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FISCAL YEAR 1986 BUDGET AND OVERSIGHT OF THE IMMIGRATION AND NATURALIZATION SERVICE

HEARING

BEFORE THE

SUBCOMMITTEE ON
IMMIGRATION AND REFUGEE POLICY

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

TO

EXAMINE THE IMMIGRATION AND NATURALIZATION SERVICE
PROPOSED BUDGET FOR FISCAL YEAR 1986

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FISCAL YEAR 1986 BUDGET AND OVERSIGHT OF THE IMMIGRATION AND NATURALIZATION SERVICE

TUESDAY, MARCH 5, 1985

U.S. SENATE,
SUBCOMMITTEE ON IMMIGRATION AND REFUGEE POLICY,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:55 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Alan K. Simpson (chairman of the subcommittee), presiding.

Present: Senators Simpson and Grassley.

Staff Present: Richard W. Day, chief counsel and staff director, John Ratigan, counsel; Jodi Brayton, counsel; Carl Hampe, legislative assistant; Denise Herzog, intern; Deborah Gibbs, chief clerk.

OPENING STATEMENT OF HON. ALAN K. SIMPSON, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator SIMPSON. Well, good morning, all of you. Good morning, Mr. Commissioner.

Today, we examine the proposed budget for the INS for fiscal year 1986. We also exercise our oversight function with some questions regarding both enforcement and service, both responsibilities of the INS.

I note the proposed budget does not significantly change last year's level, with the exception of certain management initiatives, Grace Commission recommendations, and the proposed 5 percent pay cut for all Federal employees.

However, I am interested in the additional $5 million that are to be collected by instituting new user fees to pay overtime of inspections. That money might well be used in increasing inspection and investigation capabilities, and we will want to discuss that too.

I am also interested in the performance of the INS in both enforcement and service functions. That is, of course, part of the title, "Service," and that has been discussed so many times.

The U.S. Border Patrol was given its largest single annual increase last year of 850 additional personnel, and the subcommittee will be interested in the effect those new people have and how soon they will all be on the job.

I commend you. You have submitted a very detailed and specific budget document this year, and I appreciate that. It contains important statistical information for us on each of the Service's main areas of responsibility, and we shall have questions on the individ-

ual programs—inspections, investigations, anti-smuggling, detention and deportation, and adjudications and naturalization.

We have noted some significant improvements in these areas over the past few years, and I look forward to working with you, Commissioner Nelson, to continue that trend.

Finally, I would note that of all the controversies inherent in immigration reform, the one area of consensus is in increasing the capabilities of the INS. I think it is always worthy to say that whenever there is a consensus—and this is the only one I know on the issue—according to the knowledge of modern man.

Every single immigration proposal recommends increased enforcement against illegal entry. I have yet to hear anyone object to increasing INS service capabilities. With that thought in mind, I am anxious to hear what you have to share with us, but recognize the presence of my loyal sidekick throughout many a hearing, most consistently present and attentive, and that is my friend from Iowa, Senator Chuck Grassley. He has been of marvelous assistance to me in the subcommittee activities and in immigration reform from all aspects.

Senator Grassley.

STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR FROM THE STATE OF IOWA

Senator GRASSLEY. Thank you, Mr. Chairman, and I do appreciate serving on this subcommittee. Probably a basic decision like we are hearing today of the amount of money that it ought to take to run the agency or that it should take or that we will even end up authorizing is obviously a major decision, probably the most major decision we will make.

I hope we do not take our responsibility lightly because Mr. Nelson and his agency have one of the most important jobs, helping us to control our borders—one of the aspects that is very essential if we are, in fact, to be the Nation, controlling our own destiny, that we say that we are and want to be, and the amount of money has a great deal to do with that.

On the other hand, we are in a terrible financial situation, as the budget deficit and the problems associated with budget deficits, like high interest rates, cause us to be in now.

So there is always a trade-off between the needs of a particular agency and what we can afford, what the budget deficit is, and what those priorities are in relationship to the rest of our programs that we must sponsor.

And I guess for a person who has been a long-time advocate of an across-the-board budget freeze, and I include in that defense—I include in that the politically sensitive things like freezing the COLAs on Social Security—I find it a very cooperative effort on the part of Mr. Nelson's agency that he would come in this year with a figure so close to last year's, and commend him for that and say that maybe in the overall scheme of things not only is he cooperating in the overall effort, but probably after years now of being an administrator, he has found ways in which the agency can be run more efficiently and hopefully accomplish the same or greater amount of good on the same amount of money.

I have confidence that he is working in that direction and has done a good job. And yet I know if you look at the statistics of the number of illegal aliens coming into the country, I suppose they might cause us, you know, to question. But it is a big problem that the agency has.

And not only as a member of the Judiciary Committee, but also as a member of the Budget Committee, I want to compliment you on helping us in this overall effort of getting the budget deficit down.

Senator SIMPSON. Thank you very much, Chuck. I concur with those statements.

Are you ready?

Mr. NELSON. Yes, sir.

Senator SIMPSON. Go ahead.

Mr. NELSON. Thank you.

STATEMENT OF ALAN C. NELSON, COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, ACCOMPANIED BY MALCOLM E. ARNOLD, COMPTROLLER; THOMAS C. FERGUSON, DEPUTY COMMISSIONER; THOMAS N. PERRELLI, DIRECTOR, PROGRAM PLANNING AND BUDGET STAFF; AND JEAN LUJAN, ACTING ASSISTANT COMMISSIONER, REFUGEE, ASYLUM AND PAROLE

Mr. NELSON. Mr. Chairman and Senator Grassley, thank you for the opportunity again to be before you, and thank you for your preliminary comments, both of you. I think they actively reflect many of the issues that we in the Immigration Service likewise agree to.

I will read a few parts of the statement. I would like to submit it for the record. I will briefly summarize some of the other major points in our prepared statement.

Senator SIMPSON. Without objection, so ordered.

[The prepared statement follows:]

PREPARED STATEMENT OF ALAN C. NELSON

Mr. Chairman and Members of the subcommittee: I am pleased to have the opportunity to appear before you in support of the Fiscal Year 1986 budget request of $577,510,000 and 11,599 positions for the Immigration and Naturalization Service. This budget is in keeping with the need to do our part to reduce the national deficit and to improve productivity in government operations. We expect to do more during FY 1986 with roughly the same number of personnel and supporting resources available to INS during this budget year.

The budget which is before you today is a current Services budget. Consistent with the Administration's policies, savings are expected to result from several management initiatives. First, as the second phase of implementation of the Grace Commission recommendations, a reduction of $1,600,000, 50 positions, and 50 FTE workyears is contained in this budget. These savings will be achieved through a realignment of the roles and responsibilities of personnel in the Central and Regional Offices.

The budget also contains a decrease of $5,000,000 in appropriated funds for the Inspections program. This reflects an anticipated increase from changes in regulations that INS is currently pursuing regarding aircraft carrier payments of inspectional overtime at certain airports.

The INS Management Team has been greatly involved in the development of improved and more economical methods of managing resources and providing required administrative support. It will concentrate in the future on the planning and carrying out measures designed to increase employee productivity, reduce costs and achieve greater efficiency.

BORDER ENFORCEMENT

INS is making excellent progress in putting in place the increases authorized in this year's budget. As of January 1985, 370 Border Patrol Agent Trainees had reported for duty. A new Border Patrol class starts every two weeks this year, and the classes are running on schedule.

Last year a record breaking 1,138,566 aliens were apprehended. Ninety-three percent of these were at the Southern border. We believe that Fiscal Years 1985 and 1986 will also be record years in view of the continuing unrest and economic problems in Mexico and Central America.

Of the $55.6 million in narcotics seizures made at the border in 1984, the Border Patrol alone seized $37.5 million. Joint drug seizures by INS and Customs officers amounted to $9.8 million.

In an effort to control border crime, a unique foot patrol has been formed in El Paso, where police officers and Border Patrol agents walk specific "beats" together. A similar program, using San Diego Police officers, has been established in Chula Vista, California, to reduce violence by border bandits. To further the fight against increased border crime and to meet unanticipated emergencies, in 1984 the Service created a Border Patrol Tactical Team (BORTAC) of specially trained and equipped agents who are ready to respond to unusual situations on an emergency basis.

During 1986 we project that the Border Patrol will apprehend 1,320,000 deportable aliens and 105,600 smuggled aliens. As the new members of the expanded Border Patrol become more experienced, we believe their presence will deter many aliens from attempting to enter the U.S. illegally.

INTERIOR ENFORCEMENT

In Fiscal Year 1984, Investigations' principal objectives were to concentrate two-thirds of their resources on high-impact-level cases, emphasize apprehensions of illegal aliens in high-paying jobs, focus anti-fraud efforts on the acquisition of benefits by illegal aliens, and initiate task force operations to target major fraud facilitators and document vendors. The new Case Management System, which concentrates resources on priority objectives, greatly aided Investigations in achieving these goals.

More than 40 percent of all illegal aliens apprehended by Investigators at employment sites were in high-paying jobs. Efforts to forestall the fraudulent receipt of entitlement benefits exceeded expectations and resulted in actual savings of $114 million—mostly in the Western Region—through the Systematic Alien Verification for Entitlement (SAVE) Program. We are beginning to see the benefits of this program and expect additional states to become participants during the coming year. California, Colorado and Illinois joined the efforts in 1984. The program has the potential to save $10.7 billion in Federal funds nationwide if all states check with INS before allotting welfare and other benefits to applicants.

Successful investigations resulted in nearly 1,200 major notorious employers agreeing to cease employing and/or hiring illegal aliens. These operations reduce the job "pull" appeal for illegal aliens, a significant factor in causing illegal immigration.

INS has initiated a program called "Operation Cooperation" which encourages employers to cooperate with the Service by not hiring illegal aliens. It has been quite well received by many employers who have been contacted. Participants are those who do not knowingly hire illegal aliens. The program does not reach those employers who habitually and purposely hire illegal aliens. We will continue to deal with this group through our interior enforcement efforts.

INS has worked with other federal and state agencies in document task forces to target major fraud facilitators and counterfeit document vendors. These activities have resulted in the successful arrest and prosecution or denial of benefits in 2,600 cases involving marriage, labor certification and visa fraud.

ALIEN SMUGGLING

Alien smuggling activity is expected to be greater during the coming year, due in part to continuing economic growth in the U.S. Major investigations involving interagency and interregional task forces resulted in the indictment of 29 persons operating a multimillion dollar smuggling ring from Yugoslavia, of five labor contractors and harvesters in Florida, and of 32 principals engaged in smuggling individuals of seven different nationalities.

In Fiscal Year 1984, INS officers apprehended 14,000 alien smugglers and seized 11,500 vehicles valued at $20 million.

Because we are using resources more efficiently, we project Servicewide apprehensions of an estimated 20,500 alien smugglers in FY 1986. Record numbers of prosecutions and convictions are anticipated. Increased emphasis will be given to close coordination with the U.S. Attorneys in efforts to improve the success rates for prosecutions as measured by convictions.

A total of 7,500 alien smugglers are expected to be prosecuted during FY 1986. Based on our experiences with prosecutions, we anticipate about 2,800 felony convictions and 4,400 misdemeanor convictions. Sentences are expected to total 63,000 months (5,250 years). These results will have a significant impact on the smuggling problem.

Continuing to work with officials of the Mexican and Canadian governments will be a priority. For example, as a result of cooperative efforts, the Mexican government has assigned special units at interior road checks. This has resulted in the apprehension of a number of Central American aliens before they could be smuggled across the U.S. border. Changes in Canadian law now make it possible for smugglers in Canada who violate U.S. laws to be prosecuted in Canada for those offenses.

DETENTION AND DEPORTATION

The Detention and Deportation program detains and deports aliens who are in the United States in violation of the law. A major priority of the Service in Fiscal Year 1984 was to increase detention capabilities. In an effort to curtail costs, the Service contracted for detention centers instead of new construction. Contract facilities are now being used in Houston, Denver, Los Angeles, and San Diego. Their total capacity is 700, which is a substantial addition to the existing space in the Service's processing centers (2,139). Further use of contract facilities will be arranged in the future as needed in locations where detention requirements are projected to exceed available space. New facilities were opened or existing buildings renovated in Boston, Houston, Denver, Washington, D.C., Miami and Port Isabel, Texas.

The construction of the joint INS/Bureau of Prisons 1,000 bed facility in Oakdale, Louisiana is moving ahead on schedule and should be completed later this year. It will be used for longer term detention cases which will free up spaces in our border facilities for quick turnaround cases.

During FY 1986 we anticipate that a total of 250,000 aliens will be detained. Of this number, 100,000 are expected to be detained in non-INS facilities including state and local jails.

SERVICE BACKLOG REDUCTIONS

Largely due to management improvements and assistance from the Inspections program, adjudications backlogs were greatly reduced in the past year, and all backlogs are expected to be eliminated in FY 1985.

The naturalization/nationality backlog was reduced 61.7 percent nationwide, despite a 23 percent increase in new applications over the previous year. Adjudications backlogs were reduced 12.5 percent, and asylum backlogs by 89 percent.

This was effected mainly through our Priorities Management System, which sets numerical goals for each region to reduce severe backlogs, and a new Balanced Adjudications System, under which certain types of applications are sent either to ports of entry for completion by inspectors during standby time or to Remote Adjudications Centers. As a result, port of entry completions increased 23 percent and Remote Adjudications Center completions increased 45 percent.

Working with the courts to secure additional hearings, INS arranged naturalization proceedings for more than 225,000 persons in 1984, an increase of 20.4 percent over the previous year. In Miami, at one of the largest naturalization ceremonies ever held, nearly ten thousand persons became citizens.

In 1986 adjudications and naturalization employees assisted by other Service personnel will complete the adjudication of an estimated 1,172,000 cases, and will process a projected 423,500 naturalization petitions. This is a heavy workload which has been steadily increasing each year. It has been possible for INS to meet this challenge due to the commitment of managers and staff members to improve productivity. ADP improvements, recent efficiency legislation and regulatory changes also have contributed to this success.

This is an important example of what has been done to handle a very large and growing processing workload using existing personnel and resources more efficiently.

DATA PROCESSING IMPROVEMENTS

As a result of efforts which have been carried out during the last two years, the implementation of the Service's ADP Plan is making excellent progress. New systems have become operational and are being maintained.

Throughout Fiscal Year 1984, our Information Systems office worked with other Service components to develop three primary systems under the Integrated Case Tracking umbrella: the Deportable Alien Control System, which tracks illegal aliens; the Naturalization Casework System; and the Legal Case Tracking System. These automated systems eliminate duplicate and nonessential data and assure the use of consistent data capture and presentation techniques.

The Central Index, which will replace the Master Index, was installed on a prototype basis and will serve as the focus of all systems data on persons of interest to the Service. Using information available through the Central Index the Systematic Alien Verification for Entitlement (SAVE) Program became operational in California, Colorado, and Illinois in 1984.

Two systems for tracking aliens became operational in Fiscal Year 1984. The Anti-Smuggling Information System, which collects information on known and suspected smugglers, is in force in Swanton, Vermont and at the El Paso Intelligence Center. The Student/Schools System, which became operational in September, identifies and tracks students and schools authorized to enroll nonimmigrant students for INS and other government enforcement agencies.

Several systems have proved their usefulness and been expanded, including the Nonimmigrant Information System—which has eliminated backlogs in logging arrivals and departures—and the National Automated Immigration Lookout System, which is now online Servicewide.

During the new budget year, further execution of the long range Service ADP Plan will be carried out. The systems to be installed at additional locations are: Legal Case Tracking, Adjudications Casework Support, Naturalization Casework Support, Deportable Alien Control, Anti-Smuggling Information, and Marriage Fraud Identification. These are examples of the types of efforts planned and under way to provide greater support for Service operations. The net result is providing versatile, accessible information to increase employee productivity and improve the use of existing resources.

The Nonimmigrant Information System (NIIS), the only automated means the Nation has to account for foreign visitors, diplomats and students, has been expanded. It now contains a database of over 36 million on-line records, and we have the capability to load 350,000 alien records in a twenty-four-hour period. In addition to providing the current status of nonimmigrants, NIIS provides reports on violators and other statistical information, further proof of its value in support of Service operations.

During Fiscal Year 1984, Records Systems continued to develop new services to the public and improve past activities. Among these are the establishment of two permanent Telephone Service Centers, one in the East serving four major northeastern cities (New York, Newark, Philadelphia, and Boston), and a second in the West serving four California cities (Los Angeles, San Francisco, San Jose, and San Diego).

The "Ask Immigration" tape library systems were added for offices in Atlanta, Detroit and Seattle in 1984, for a total of sixteen located in major cities. In Miami, client-activated "Ask Immigration" phone equipment and self-service video equipment were installed, enabling the public to receive immigration information through unattended direct-dial phones and other means.

"Ask Immigration" allows INS to answer many more questions regarding policies and application procedures without additional personnel. During FY 1986 it is expected to receive 2.6 million calls, roughly one-third of the telephone inquiries expected to be received by INS. If "Ask Immigration" were not available, our contact personnel would simply be overwhelmed.

To assist other offices in streamlining records management, our Records Office set up a 17-member team of highly trained specialists who provided on-site records clean-up assistance, thereby reducing workloads, improving file systems, and eliminating records backlogs.

A major ADP equipment contract has been awarded, involving the acquisition and installation of up to 1,500 computer terminals, 800 printers, 20 microcomputers, and 2 main-frame computers by the end of FY 1985. This expansion will permit INS to make wider and more efficient use of automated systems for Naturalization Casework, Deportable Alien Casework, Legal Casework, and Anti-Smuggling Information. The increased access to these and other systems will allow our employees to

process up to 75 percent of the INS workload at a field level where service to the public will be improved and made more effective.

LEGAL ACCOMPLISHMENTS

During the past year the legal accomplishments of INS have been substantial. The Service successfully litigated five cases in the 1984 Supreme Court term. The efforts of the Office of General Counsel resulted in the collection of $2,236,055 and referral to the U.S. Attorney for collection debts totaling $2,653,797. Litigation has been successfully completed which will now allow for the return to Cuba of Mariel Cubans, found to be undesirable due to criminal and behavioral problems. This effort has been costly and time-consuming. Its conclusion will allow the use of our legal resources in other areas. The attorney consolidation program (discussed before this Committee) has been completed. As a result, all non-legal aspects of the naturalization program are performed by non-attorney examiners. This allows attorneys to concentrate on legal work, providing better services for INS field offices and more flexibility for the adjudications and naturalization program.

The General Counsel's Office is currently engaged with the Executive Office for Immigration Review in providing expanded hearing services, a uniform docketing system, and uniform rules of procedure. The performance of the Executive Office and the immigration judge program has been enhanced as a result of management improvements.

INS has further expanded its program of giving assistance to U.S. Attorneys which has previously existed only in the Southern District of New York. The outcomes are already significant—the program has contributed to a 39 percent increase in felony convictions for immigration related violations between 1981 and 1984.

INS expects to pursue a continuous effort to contain costs, improve productivity, and increase efficiency. The members of the Service's management team are well aware of the importance of these activities which will ultimately contribute to reducing the federal budget deficit.

I feel that the budget which is before you for examination today reflects the needs of INS, at a minimum, to cover the ongoing personnel and operational support needed to carry out the Service's diverse statutory responsibilities and to realize fully the potential of changes which have been made in recent years.

I would like to express my thanks to you, Mr. Chairman, and to the members of the Subcommittee, for the support which you have given to INS. With it a great deal has been and continues to be accomplished.

I will be pleased at this time to answer any questions you or the other members of this committee may have.

Mr. NELSON. I am appearing in support of the fiscal year 1986 budget request for the Immigration Service of $577,510,000 and 11,599 positions. This budget, reflects I think, in both of your comments, and is in keeping with the need to do our part to reduce the national deficit and to improve productivity in Government operations.

We expect to do more in fiscal year 1986 with roughly the same number of personnel and supporting resources available to INS during this budget year. The budget before you today is a current services budget. There are savings expected to result from several management initiatives.

One area is the second phase of the implementation of the Grace Commission recommendations, and I might add we are one of the agencies that has been in the forefront of following some of the Grace Commission recommendations. These are our recommendations; they are not ones put on us that we did not agree to. We do agree with them and we advance them, and we are talking about a reduction of $1,600,000 and 50 positions in the Grace Commission aspect of that.

You also alluded, Mr. Chairman, to the $5 million decrease, which reflects an increase in charges from our regulations in terms

of payment for inspectional overtime at certain airports, and we think this, again, is a good management efficiency.

Let me, if I might, shift now to a review of a number of the issues from our work in the last several years that I think, speaking on behalf of all of us, we can be very proud of.

At this point, let me introduce those here at the head table. To my far left is Deputy Commissioner, Tom Ferguson; our budget officer, Tom Perrelli; and our comptroller, Mike Arnold. I am very pleased to have them with me today.

As you stated, Mr. Chairman, the work of the administration—certainly, with your very strong support and that in the House, we had one of the largest budget increases in Immigration Service history last year related to enhanced border enforcement, with some 1,000 additional positions added to the fiscal year 1985 budget. And, of course, those are incorporated in the 1986 budget.

Of the 850 positions on the Border Patrol, as of February, just last month, over half of those, 466—and the figures are up from what is in the printed statement because that was a month ago—466 Border Patrol agent trainees had reported on duty.

We are starting new classes of training every 2 weeks and our classes are running on schedule. We anticipate by the end of this fiscal year of having all the additional people on board and functioning.

Last year was another recordbreaking year on apprehensions. Over 1.1 million aliens were apprehended. We also believe that this fiscal year, in 1986, it will continue to be a record year in view of the various circumstances in the world.

I would like to emphasize one point that does not get much attention. We are not as good in public relations as some of our sister agencies, but a fact that is interesting to note for this committee and others is that of the $55.6 million in narcotics seizures made at the border during 1984, the Border Patrol alone seized $37.5 million. That is roughly 70 percent done strictly by the Border Patrol. Another almost 10 million are joint seizures by the INS and Customs. So I think our record there is excellent and one that deserves more attention.

I am sorry Senator Grassley left because the next points, I think, relate particularly to some interests he has. We have had increased coordination with local law enforcement, to the benefit of all Americans.

We have had some foot patrols in El Paso, where police officers and Border Patrol agents walk beats together; a similar program with San Diego police officers in that area of the border, again, largely to reduce violence by border bandits, saving lives and health of illegal aliens, and I think, again, significant efforts there in cooperation.

We have created in 1984 the Border Patrol Tactical Team, known as BORTAC. These are specially trained and equipped agents available and ready, if necessary, and they have never been used and we hope they do not have to be used, to respond to unusual emergency situations. An example is some recent violence in Piedras Negras on the Mexican border. This is the kind of thing that this unit is available for.

We project in 1986, fiscal 1986, that the Border Patrol will apprehend about 1.3 million deportable aliens and another 105,000 smuggled aliens. We believe the enhanced enforcement efforts and their presence will deter many aliens from attempting to enter the United States illegally and, of course, that is what it is all about.

Shifting now, Mr. Chairman, to interior enforcement, we have been very pleased with the efforts, as we better manage this program, to concentrate our resources on the higher-impact cases, dealing with illegal aliens in higher paying jobs, those trying to obtain various benefits, and dealing with some of the major fraud issues.

Forty percent of those illegal aliens apprehended are in the higher-paying, well above minimum wage jobs. And we believe in the SAVE Program, and I will allude to that more in a minute, which has saved in the range of $100 million in this last year. We expect to go well above it that we can identify as savings.

The SAVE Program has California, Colorado, and Illinois on board. We are speaking with many other States. As I mentioned earlier, Mr. Chairman, we have an indication that Wyoming is in the near future going to join in, and we are very proud of that program and the potential to save over $10 billion.

As we talk about deficit reduction, this is an area, and we would look forward to the added and continued support of the Congress to get this program in effect nationwide.

One of the areas we worked at a great deal, and it applies to whether or not we have sanctions, is to do more with employers in the cooperative ventures. They themselves should screen out illegal aliens. it is good business, good patriotism for them to do so.

We are trying to work with employers, employer associations, labor unions and others to emphasize the cooperation aspects, and we think that is a proper backdrop for sanctions when that comes into play.

We have also targeted major fraud facilitators and have denied benefits in this last year in over 2,600 cases involving marriage, labor, and visa fraud.

In the alien smuggling area, in fiscal 1984 we apprehended 14,000 alien smugglers, seized over 11,000 vehicles valued at $20 million. We project that we are going to be apprehending in fiscal 1986 over 20,000 smugglers, with record numbers of prosecutions and convictions.

Again, our close working relationship with the U.S. attorneys has been very significant, and that will continue and our prosecutions and convictions and sentence time will increase dramatically.

Another area that is very important to emphasize is we have been very proud of the efforts of our Service and the Justice Department generally in dealing with the governments of Mexico and Canada.

I was in Mexico 2 weeks ago and I will fill you in on more detail at another time, Senator, on some excellent cooperation we are receiving and some recommendations for further dialogue. I know you have continued that and I will not take the time now. Similarly, with Canada, we have had an outstanding relationship and a great deal more cooperation.

In the detention and deportation area, there are several things to stress here. We have been a leader, and we are proud of that, in the contracting with the private sector for detention centers as a supplement to the government facilities, whether our own or State or local jail facilities.

We are now using contract facilities in Houston, Denver, Los Angeles, and San Diego, with a capacity of 700, comparing to our overall capacity of a little over 2,000. We expect continued balancing use of contracting along with our own use.

We have also, with our own facilities, either opened new or remodeled existing facilities in Boston, Houston, Denver, Washington, DC, Miami, and Port Isabel, TX. The Oakdale facility is moving ahead on schedule and should be completed by the end of this fiscal year. This, of course, is a focus point for use, particularly in the longer term detention cases.

In fiscal year 1986, we anticipate about 250,000 aliens detained and about 100,000 to be detained in the non-INS facilities.

Let me turn now to the service side, and particularly the backlog reductions. This issue does not obtain the public notoriety that some of the illegal alien issues do, but it is a very important part of our service, and I think our record has been outstanding and one that we and the Congress can, and should be proud of.

The adjudications backlogs were greatly reduced in fiscal year 1984, and we expect to get close to, if not actual elimination, by the end of this fiscal year. That is our goal.

In naturalization, we reduced the backlog 62 percent; in adjudication, reduced 12.5 percent; in asylum, by a dramatic 89 percent. That has largely been accomplished by our own management objectives that are now functioning well, known as the priorities management system; the new balanced adjudication system which is now really beginning to work; the use of remote adjudication centers, remoting cases to ports of entry for people to do during their downtime. The use of both of those has increased dramatically.

In 1984, we naturalized over 225,000 persons, an all-time record. That was an increase of over 20 percent from the year before, and that was accomplished even though the number of new cases came in much higher.

To show the continued trend, however, we expect to go over 400,000 being naturalized in 1986. And we will adjudicate 1,172,000 estimated cases; again, an increase. But this has been done without increased staff by improving productivity in the ADP area. Efficiency legislation—again, we give credit to you and the Congress for that—and regulatory changes that we have pursued, altogether, I think, have worked very well.

And if I might just for a moment go to the charts because I think this could help identify what I say, we have covered most of the facts already, but this graphically, I think, does illustrate what I have just mentioned.

As you can see, we are talking about 1983 and 1984. In backlog reductions and asylum, the time was 18 months. It is down to 2 months' waiting time to process; the naturalization, from 4.7—these are nationwide averages—down to 1.8; a slight rise in adjudications from 2.4 to 2.8 weeks. We do expect also, to bring this down in the current year.

I think we can be very pleased in the excellent effort of our staff in working hard to accomplish these results.

Here is a chart on naturalizations. You can see the receipts in 1983 were 331,000. We completed 418,000, and in 1983 completed 464,000, with receipts being roughly the same there. The backlog, again, as reflected here, was reduced in naturalization down to 1.8 months.

I want to make two points here, but I think again, Mr. Chairman, we can really summarize the enforcement strategy very well. There are really, as we see it, three ways to deter illegal immigration.

One is at our borders. The second, and probably the most significant, is at the job marketplace; that is why employer sanctions are so important. And the third is in the area of entitlements.

Now, we have accomplished at the border, due to the tremendous support of Congress and the administration, we think we are doing an excellent job and added the kind of resources we need to do that. We will never stop all the illegal aliens at the border; we all know that. They are coming here for jobs.

What we are doing, in cooperation with employers—better targeting helps. If we can get employer sanctions, that will be the frosting on the cake.

But the third one is if people cannot get jobs or lose jobs, aliens, like anybody else, will try to survive and will get on entitlement programs, and what we are doing with the SAVE Program puts the squeeze on that.

So, better border enforcement, better job placement enforcement, and better entitlement enforcement gives us a three-pronged approach that will allow us to do the best job possible to deter and greatly reduce illegal aliens.

Also, tied in with these same things, of course, the fraud and criminal aliens and smuggling are all aspects tied in with this same way.

On the SAVE Program, since we have emphasized—by the way, we had a briefing just Friday with the top management of OMB, Joe Wright and the other top staff there, who are very fully supportive and are actually pushing that concept beyond us.

We have met with the Governor of Florida. I have a meeting with the Governor of Texas in 2 weeks. We have briefed all of the other major Federal agencies and had excellent support. We look forward to a more detailed briefing of your committee at a convenient time.

The system is so simple. The reason it works is because now, with our computer capability, we basically have a list of all legal aliens. So any State, whether it is welfare, unemployment insurance, or any other program, can now tie into our computer very simply with just a computer hookup and give us the name of the alien applicant. They provide that to us.

We then, in a matter of seconds, can tell them whether that alien applicant is a legal alien. If so, our approval goes back and the State agency processes it as they normally would.

As they send it into our computer, if we do not have a listing of that alien, there could be a mistake, obviously, with the birth date or name or what is more often the case, that person is not here

legally, in which case we get a negative response or a nonresponse to that person being legal.

They are asked to come to the INS to clear up their status. If they do so, of course, it can be processed quickly. If they fail to show up or come in and they are not eligible, they are notified.

What happens in most cases, of course, is they do not show up, for obvious reasons, and therefore they are removed from the benefit rolls. It has worked extremely well in the 3 States, Colorado, California, and Illinois. As I say, we are fully expecting many other States join in this, and we know the Federal Government is pursuing similar types of things in all programs.

That SAVE Program is authorized under the Deficit Reduction Act of 1984. It is also legally authorized under the Immigration and Nationality Act. So, we think that is an area where we can do a great deal as we all focus on deficit reduction.

Let me continue on the data processing improvements because what I just said relates to that. We have systems underway in deportable alien control, in naturalization, in legal case tracking system. I mentioned SAVE; this is a key part of the SAVE Program.

We have systems also underway in the antismuggling and in the school student areas to track students and school loans. The Non-Immigrant Information System—we have eliminated the backlogs and see logging arrivals and departures. We also now have an automated look-out system, at our airports that is on line on a Service-wide basis. We are going to continue, in the new year, further expansion of those programs.

It is interesting; the Non-Immigrant Information System we now have a data base of over 36 million on-line records, and that has been developed from very few numbers just a few years ago.

In fact, today, in Los Angeles, is the formal opening of the Western Telephone Service Center. This now matches one that exists already and has been in existence in the last year or two in the east which covers New York, Newark, Philadelphia, and Boston. The one opening today will cover Los Angeles, San Francisco, San Diego, and San Jose, and will give us a tremendous capability to handle the various telephone calls, which has been a very difficult problem.

The "Ask Immigration" tape library has been expanded, now covering 16 locations. We expect to receive during fiscal year 1986 2.6 million calls, which is one-third of the telephone inquiries expected. And if we did not have this capability, we would be overwhelmed.

We have been doing a great deal of records cleanup, reducing the workload, improving the file system, and eliminating records backlog. In the ADP area, we have just resolved, with court approval, the contract. It has now been awarded and we expect in the next few months to be receiving as many as 1,500 new computer terminals and other hardware that will continue and better enhance the program, and particularly allow most of this processing to be done in the field—75 percent to be done in the field within the next year.

We would like to add at the end here some legal accomplishments that, again, often do not get all the attention, but they have

been substantial and one of the things we are the most proud about.

We have had five cases in the 1984 Supreme Court term; we won them all. We have collected over $2.2 million in debts that were accumulated out there, and we expect to collect a lot more.

We have been very successful in most other litigation in the district and circuit courts and, of course, probably the most notable the recent success in the actual effectuation of the return of the Cuban criminals from the Mariel boatlift. We are proud of that and expect that to continue in an orderly course to get our immigration policy back on the course it needs to be.

The attorney consolidation program, which took attorneys out of doing a lot of the naturalization work and put that before nonattorney examiners, is completed and functioning well. We are continuing to work with the immigration judges to improve the whole hearing system and docketing there, and that is moving forward.

As I mentioned earlier, our relationship with the U.S. attorneys has been outstanding. The program we have has contributed to a 39-percent increase in felony convictions in the last several years.

Mr. Chairman, in conclusion, I thank you for the time. We do believe, and I again reflect your comments and those of Senator Grassley, that this budget, while it is a flat budget—we have had some significant increases in the past—reflects the needs of INS, and we believe can, along with our management improvements, allow us to effectively carry out our programs.

I would like to close by thanking you personally, the committee, Mr. Day, and his staff, for the ongoing excellent cooperation and relationship. We look forward to continuing to work with you to accomplish your goal of obtaining passage and enactment of immigration reform in this year.

Thank you, Mr. Chairman.

Senator SIMPSON. Thank you very much, Al. That is a very comprehensive review of items and a very heavy agenda of things you have been up to with regard to the INS, and I commend you. I have, in my 6 years here, seen dramatic changes in the INS and what its mission is and its function and its attempts to correct some serious abuses that were plaguing us for so many years.

Everybody in this country was well aware of that, and you certainly turned that around and have done much. But there is much yet to be done—and all in the midst of tremendous pressure from illegal, undocumented entrants. So, I do appreciate that.

Let me ask some questions. What effect will the Grace Commission reduction of 50 permanent positions have on INS service and enforcement functions in fiscal year 1986?

GRACE COMMISSION REDUCTION

Mr. NELSON. We believe, Mr. Chairman, that that can easily be handled. That is the second phase and there was a cut of 150, I believe, in this current. Of course, it was offset by the substantial increases, but we believe we can.

As I say, these recommendations flowed from some of our own internal management analyses, and these are in the administrative and support area primarily. We can, in fact, handle them.

Some of the productivity factors that I mentioned earlier, we think, come into play. So, we feel that those properly can be trimmed down, as we think there is better management and some reallocation of functions and positions.

Senator SIMPSON. How will the $1.7 million reduction in the program direction be achieved if there are no personnel reductions in this area that are planned?

PROGRAM DIRECTION REDUCTION

Mr. NELSON. Again, of course, Mr. Chairman, $1.7 million on its face looks like a lot, but compared to a $577 million budget it is not a significant amount. And, again, we believe we can properly and very honestly absorb these reductions in various nonpersonnel areas by realigning costs and charging the appropriate programs for some of these services. Again, we believe we can very properly and easily handle this reduction.

Senator SIMPSON. Assuming an inspectors-to-investigators ratio of 2 to 1, how many additional inspectors and investigators could we provide for with an additional $5 million in the fiscal year 1986 budget? And if approved, when would those people be out on the job?

ADDITIONAL INSPECTORS AND INVESTIGATORS

Mr. NELSON. Mr. Chairman, I would like to maybe respond more generally to that. I believe, again, as we stated in our presentation, and as you and Senator Grassley reflected, we have come in with basically a flat budget.

We think, considering the changes and increases we have had in the past years, that it is a very fair one. We have to do our part on deficit reduction, also, and we think that $5 million will be offset by additional collections which will take care of keeping our budget steady.

So, I am really not in a position to respond as to what we might do if there were some increases and I would prefer to defer that.

Senator SIMPSON. Well, again, I appreciate your views with regard to budget and the administration. But, again, the whole exercise is a congressional initiative rather than an executive one, and so we will pursue that.

Mr. NELSON. OK, happy to. I might add, if I could, and I am sure I am singing the same tune you would, that the hope here is that we can be successful this year in passing the Simpson-Mazzoli legislation which, of course, would give us the sanctions and other elements and the resources to tie into that.

We would hope that that would be the effective focus on both substantive legislation and funding to increase the enforcement.

Senator SIMPSON. Let me just say that we are not inquiring about your approval or disapproval of it, but rather what is the number of positions that we are talking about. That is what I am interested in.

Mr. NELSON. If there were $5 million?

Senator SIMPSON. That is right.

Mr. NELSON. I guess we would have to, Mr. Chairman, provide that to you separately. I do not know if we have any particular breakdown.

Senator SIMPSON. Yes; if you would.

[The following material was submitted for the record:]

FUNDING PROGRAM

With a two to one ratio of Inspectors to Investigators, we can hire 99 Immigration Inspectors for $3,204,000.

Additional funding of $1,800,000 would enable the Investigations program to fund 49 Investigators partially correcting a funding problem that has existed since fiscal year 1982.

Senator SIMPSON. What is your estimate of the inspections workload for fiscal year 1986? There, certainly, appears to be an upward trend in the number of aliens apprehended at all ports of entry.

Are there sufficient personnel and resources to handle this increase?

INSPECTIONS WORKLOAD

Mr. NELSON. Again, these are huge figures and they always have been. We do see some increases. I believe we are somewhere in the range of 300 million annual inspections currently. The 1986 estimates at port of entry for inspections would be 304 million, plus; persons to be inspected at preinspection at overseas airports, about 7.5 million; other projections: border crossing cards issued, 200,000; remote adjudications completed, about 750,000.

Again, as I mentioned earlier, Mr. Chairman, by using ports-of-entry enforcement aspects, we think we have improved there to detect illegal entry and, of course, we have some projections on that, also, in improved training and detection of fraud.

We think, again, our present staffing level is sufficient. There is always the issue that you can use more, but I think, again, considering all the aspects of our work that we are presenting a budget that is meaningful here.

Senator SIMPSON. You have also estimated that apprehensions will increase on the southern border by nearly 150,000 in 1986. What is the cause of that increase, and how many of the 850 new border patrolmen which we authorized last year will be on board by the beginning of fiscal year 1986?

SOUTHERN BORDER APPREHENSIONS—NEW BORDER PATROL AGENTS

Mr. NELSON. As I mentioned earlier, as of February 8, a month ago, we had 466 of the 850 already on duty and in training. New classes are starting every 2 weeks. We have already broken all records for the number of border patrol agents in training.

All of the agents will be either in training or on duty by the end of the fiscal year, which was our projection. So, that is moving on schedule and every aspect of that has been handled very well, with compliments to our training people and our Border Patrol people.

As far as the issue of the number of illegal attempted entries, we, as I say, have continued economic concerns, social concerns, and so forth. We will continue to have these pressures.

Of course, the hope and the expectation as we get more people on board and tighten up other enforcement is that the numbers will start dropping because people will realize they cannot easily enter or stay in the United States. But we do expect the level to be as high or higher in the next year or two as far as apprehensions at the southern border.

Of course, more agents will give the ability to apprehend more, also.

Senator SIMPSON. In the fourth quarter of 1983, the investigations program apparently moved from a quantitative, I think, to a qualitative approach to internal immigration cases.

Could you give us an example of how the new policy differs from the previous approach, and how has the investigations program been affected by the fact that money and personnel levels have not increased over these past three budgets?

INVESTIGATIONS PROGRAM

Mr. NELSON. Again, Mr. Chairman, the thought is that we needed to find better ways to use the existing resources. Obviously, you will never have enough investigators with all the illegal aliens that are working here, particularly if you do not have the sanctions available.

We think what we have done is what we refer to as a case management system, which has been very effective. It is to focus your time and effort on those cases where you think you can get more bang for the buck, if you will. Therefore, the major fraud rings, the major smuggling cases, the entitlement programs that I alluded to earlier, focusing on the employed aliens—I mean, you can always pick up a lot of aliens standing on the street corner, and it is nice to have a lot of figures.

But on the other hand, it is those people who are earning the most dollars and in the better jobs where you can get people off those jobs, fill them with American citizens, and also, of course, attacking these smuggling and fraud rings.

For example, 40 percent of all illegal aliens apprehended last year were earning over $4.25 an hour, and that figure is up considerably from the past. As I mentioned, also, the SAVE Program—we have talked about saving probably $100 million in improper welfare and other benefits, and we expect that to dramatically increase this year.

We are dealing a lot with employers to try to get the major employers of illegal aliens to either voluntarily or with a lot of pressure cease hiring or employing illegal aliens. They are beginning to turn around now and agree with us in a cooperative venture not to hire. The more of that we can do, of course, the better.

We had 2,400 major fraud cases last year and more major convictions. So, we think that is the way the system is working, and working well. The numbers, yes, are going to be somewhat down, but we think we are getting more effective results.

Senator SIMPSON. That is an interesting figure of 40 percent of those apprehended earning over $4.25 an hour. What is the high range there of what some of those undocumented persons are earning?

Mr. NELSON. I do not have any exact figures, Mr. Chairman, but I remember from past presentations that we were surprised that there were a lot more than you might think earning $10 an hour or more. Particularly, in some of the construction areas, and so forth, you will see some very, very high hourly wages.

Senator SIMPSON. What do you show as to those that would be earning less than the minimum wage, which is $3.35, is it not?

Mr. NELSON. Three thirty-five.

Senator SIMPSON. I believe that is it.

Mr. NELSON. Again, there is always a perception of, you know, the illegal alien in bondage and earning a pittance.

Senator SIMPSON. Yes.

Mr. NELSON. That really, again, is not true, certainly to the degree it used to be, if it was. You are finding probably most illegal aliens earning the minimum wage or more, and the number earning subminimum wage is certainly very small.

Senator SIMPSON. Would you share that with me?

Mr. NELSON. We will get you the exact figures, which I do not have with me.

Senator SIMPSON. If you could get that for the subcommittee, fine.

[The following material was submitted for the record:]

ILLEGAL ALIEN EMPLOYMENT (FISCAL YEAR 1984)

[Dollar amounts represent total annual salary of employed aliens]

Category of employment	I	II	III	IV	Total
Hourly rate	>$5.25	$4.25–$5.24	$3.35–$4.24	<$3.35	
Aliens apprehended	15,697	25,570	89,648	22,468	153,383
Aggregate yearly salary	$164,818,500	$242,915,000	$681,324,000	$123,574,000	$1,212,632,300

Senator SIMPSON. I note in the antismuggling program a move from 1983 to 1984 toward fewer cases that are being prosecuted, but a larger number of smugglers being apprehended. Will the INS continue to concentrate its efforts in the larger cases, and is the incidence of smuggling itself increasing?

ANTISMUGGLING PROGRAM

Mr. NELSON. We do expect, Mr. Chairman, to concentrate on the larger cases because we think we can be more effective there. As we increase the difficulty for people to cross the border, several things will happen.

There probably will be more smuggling going on because people cannot make it as easily on their own, and the price will go up. Also, some of the horror stories attendant to it will go up.

So, we think that dealing with the major rings is the best way, and we do expect that not only the prosecutions, but the convictions and the sentence time served will continue to go up. We, again, have had some dramatic improvement there.

Senator SIMPSON. We note that the numbers of aliens that were detained in 1984 and 1985 have been lower than those detained in 1983. I would like to know why that is, and also know whether

there are adequate detention facilities in all of the major sectors, including San Diego.

I would also like you to tell me what the state of the litigation is regarding the construction of the facility at Oakdale, LA.

DETENTION FACILITIES

Mr. NELSON. While the number of aliens detained did decrease somewhat in 1984, actually the number of detention days increased, and this was a result of an increase in the average stay of detention from 4.6 days in fiscal year 1983 to 7.3 days in fiscal year 1984. That is a concern that we must continue to be concerned about of the people staying in longer mainly because of, you know, some of the proceedings and the reduced numbers that are agreeing to accept voluntary return.

I had mentioned earlier in my prepared testimony that we have increased our detention sites, both contract and our own. I think, again, I can be very pleased because of the concern expressed shortly after I arrived about the conditions of the facilities.

But I would invite any critic to take a look at our facilities and the quality and the humane treatment there. I think there can be no serious question about that.

On the Oakdale site, that suit was filed in July 1984. They sought injunctive relief, but that was denied, so there is no hold on the proceedings. So construction is proceeding on schedule.

The Government has pending a motion to dismiss and/or summary judgment, which the court has not ruled on as of yet. But as I say, construction is on schedule and our evaluation is that suit will not prevail.

Senator SIMPSON. I note that while deportations increased in 1984, the total number of aliens expelled decreased, because the number of voluntary departures obviously declined.

The percentage of apprehended aliens who were expelled also went down by about 8 percent. What are the reasons for those decreases, please?

DEPORTATION

Mr. NELSON. Well, actually, Mr. Chairman, the numbers really are as high as before. I think as we are computerizing, I think some of the figures that maybe had been picked up before were not picked up on the computer. So there is some little confusion in the figures and that is going to have to be corrected.

So I think our analysis is actually that the deportation level did not drop. And, again, we will provide more effective figures to you.

Senator SIMPSON. Deportation did go up, did it not, in 1984?

Mr. NELSON. Yes, but I mean the number of voluntary departures declined.

Senator SIMPSON. Yes.

Mr. NELSON. Again, we do not think that is really accurate. We think the voluntary departures also were at roughly the same level or maybe slightly higher than the previous year.

Senator SIMPSON. Well, if you would share that with us as to what happens as you rehash those numbers, it would be helpful.

[The following material was submitted for the record:]

DEPORTATION

Under INS reporting procedures, voluntary departures not under docket control are defined as those cases where aliens are escorted to the port of departure under safeguards. Instructions indicate that these departures are to be verified and reported by ports of departure.

In some instances in FY 1984, however, both Border Patrol Sectors and ports of departure reported verification of voluntary departures not under docket control. All voluntary departure figures reported by the Border Patrol were excluded from the workload data presented in the Congressional Budget. Typically, 95% of Border Patrol apprehensions are immediately returned voluntarily to Mexico, while the reported figures indicate immediate voluntary returns of 89%. While we recognize that exclusion of the data reported by Border Patrol has probably resulted in a figure lower than the actual, we have chosen to present only the data which we can verify as correct.

Corrective action has been taken to ensure that this discrepancy does not recur.

	Fiscal year—		Percent change
	1983	1984	
Deportations	17,229	19,987	+16
Departures verified—Voluntary departures under docket control	42,243	41,005	−3
Departures verified—Voluntary departures not under docket control	1,062,720	[1] 951,728	−10
Total expulsions	1,122,192	1,012,720	−10

[1] The primary source of the decrease was in the category of voluntary departures not under docket control. The actual figure as reported on the automated G-23 system was 1,318,389. This figure is over 200,000 more than total apprehensions and is clearly in error.

Therefore, 402,661 departures verified which were reported by Border Patrol sectors were excluded. Only ports of departure are to verify departures, and the figure shown, 951,728, represents those departures verified by ports.

For fiscal years 1981–1983, voluntary departures not under docket control represented 93–96% of Border Patrol apprehensions as shown in the following table. In fiscal year 1984, however, voluntary departures not under docket control represent only 84% which would seem to indicate that this figure has been undercounted.

	Fiscal year—			
	1981	1982	1983	1984
Border patrol apprehensions	825,290	819,919	1,105,670	1,138,566
Departures verified—Voluntary departures not under docket control	773,681	764,781	1,062,720	951,728
Percentage	94	93	96	84

Mr. NELSON. Yes, sir.

Senator SIMPSON. I saw your charts and I understand them. What is the current numerical backlog of asylum cases if Cubans and Haitians are not included, and how long would it take for an initial decision to be rendered in a typical asylum case if it were submitted today?

ASYLUM CASES

Mr. NELSON. As that chart indicates, Mr. Chairman, we believe our efforts have been dramatic in reducing the backlog, and that is just really dealing with the cases to be sure we are processing them and moving them. The reduction was 89 percent.

Now, in fiscal 1984, the beginning of the year, and I will round these figures off, 45,000 cases were pending. We received another 19,000. We completed 55,000, leaving a backlog at the end of fiscal

year 1984 of a little over 9,000. And that has decreased now, as of the end of January 1985, to 6,500.

We will continue to press it to get it back to zero. Our basic processing time now is in the range of about 2 months, so we are current. It is very interesting, and I believe there is a relationship, and it could be argued. But we have actually had a decline in the number of new asylum applications, and we believe part of that reason, if not a large part, is that people who clearly have used the asylum process as a dilatory tactic realize that it is not effective anymore and we just are not getting as many of the frivolous cases.

We think that is a significant thing, so our intention is to reduce that backlog to zero and to have just a very short time. We also are working—and more needs to be done here because, obviously, we are just the first step of the process. The immigration judges, the Board of Immigration Appeals and others get into the act.

We need to work more effectively with them to be sure the whole process moves faster.

Senator SIMPSON. It has been about 2 years since the immigration judges and the Board of Immigration Appeals were made independent of the INS. What is the current state of the adjudication system today?

Are the caseloads growing? Are speedy trials the exception or the rule? And I would like to know how long it takes for an exclusion case to be heard in certain areas. Perhaps you can define that, and are there any significant changes that are being planned by you in this system?

BOARD OF IMMIGRATION APPEALS

Mr. NELSON. Yes. Again, just on the general things, Mr. Chairman, we believe that the transfer that took place several years ago making the immigration judges and the Board of Immigration Appeals an independent unit within the Justice Department was a very good one.

It made good management sense; it made good sense in terms of legal procedure, and it has generally worked very well. They have big workload problems, as we do, and there is continued work, as I mentioned earlier, to develop better docket control.

Frankly, the immigration judge system was not working too well. I think the work that Chief Judge Robey and Dave Milholland, the head of the Board of Immigration Appeals, and the executive office of the Immigration Bureau have done an outstanding job in really improving systems, and they are beginning to work better.

They have got a bunch of new judges and some new, younger people coming in. We think the system is working. There are still some backlog problems. In the asylum cases, we might deny an asylum application and nothing happens until there is a later order of deportation, at which time the person can raise it again with the immigration judge.

Well, we think if we work more effectively to speed that process up, we can require that person to make their claim, which they are entitled to, before the immigration judge. There are procedures with the immigration judges, too, like with the Cubans cases where

we have to move some of them around so they can handle these priority. Again, there is a lot underway.

There are problems there, but I think we are making good progress. Now, on the basic process, when we file a charging document by our trial attorneys, they file that with the immigration judge normally within 48 hours after receipt of the case.

The immigration judges generally give priority to exclusion cases and usually have a hearing within 3 to 5 days there. On some of the other cases, there can be delays, and asylum, of course, is one.

So we can provide, certainly, more figures as the committee might need, but I think we are making some good progress. More certainly needs to be made in that area.

Senator SIMPSON. Let me ask you, not quite akin here, but why, in your mind, are so few of the Marielitos coming forward under the adjustment program in Florida?

CUBAN ADJUSTMENT ACT

Mr. NELSON. Well, you must have been reading an outdated Miami Herald article or something with that statement, Mr. Chairman, because there were over 104,000 Cubans that came forward and registered under the Cuban Adjustment Act, which was more than we anticipated. We thought it might be in the 90–95,000 range.

It is like a lot of things; a lot of people waited until the last minute. There were some earlier articles that gave impact that less were applying, and there was a little less in the flow that we anticipated. But the end result was higher than anticipated and we think it reflected that that program was well run, was well organized and handled well, and we are very pleased with that.

Senator SIMPSON. So the rush at the end seemed to pick up the slack and get to the objectives you were seeking?

Mr. NELSON. Yes, sir.

Senator SIMPSON. What is the current numerical backlog in naturalization cases nationwide, and what is the current time delay between applications in various places like Miami or New York or Los Angeles or Washington or San Francisco? Can you share that, please?

NATURALIZATION CASES

Mr. NELSON. Surely. As I had mentioned earlier with those charts, which I think very graphically indicate the improvements made, we have increased the numbers naturalized dramatically, even though higher numbers of applications—like, for example, comparing in round terms the fiscal years 1982, 1983, and 1984, cases completed in 1982 were roughly 277,000; 1983, 254,000; last year, 1984, 406,000.

We still have pending 160,000, but that is down from 195,000. But the most important figure, of course, is the backlog, and that is a 1.7-month backlog, down fro a much higher point which was on the chart, and I forget it here, from before.

Now, just to be clear, a normal processing period is 4 months. I mean, that is the normal processing time that is in there, so the

backlog clock starts after 4 months. But it is down to 1.7 and we think that is good.

Now, some cities, and you have mentioned a couple, of course, have longer ones because they tend to have the bigger caseloads. It is currently 10 months in Miami, so they are under the national average; 8 months in New York. And I think those two cities and their district directors deserve some real kudos. It is 15 months in Los Angeles, so they also have made a dramatic—they are processing some 400 cases a day, I believe, on that. It is just a very dramatic increase in their workload and effort, again, within existing staff. It is 6 months in Washington, DC, and 6 months in San Francisco.

Senator SIMPSON. Now, with regard to the automation issue, I understand from that litigation that there was an agreement now reached between the INS and IBM and EDS on this automated data processing hardware contract.

When will this new system become effective, and what are the new capabilities that the ADP will grant to us?

AUTOMATED DATA PROCESSING HARDWARE CONTRACT

Mr. NELSON. You are correct, Mr. Chairman, that that contract has been signed and approved. By the way, because there was litigation, the matter was reviewed by a number of contract review boards within the Justice Department and GAO or GSA, or whoever there was involved, and approved by the U.S. attorney, the Justice Department, and by the U.S. Federal district judge. So everybody has given their blessing.

It is formally signed now, as of January 9 of this year. The delivery is starting in April, next month. We expect 400 terminals, 70 printers, 18 controllers, and 2 large mini-computers to be installed in 16 of our field offices and at the central office. We feel this has been some very good progress.

The whole thrust of this is that every ADP terminal and word processing system within INS will be able to access all of the systems so that we can effectively talk to each other. I think particular credit and appreciation ought to be reflected to John Murray, our Associate Commissioner of Information Systems, and Doris Meisner, who has overseen this.

Again, we feel very pleased with the progress to date and look forward to having it continue where everybody can be proud of it. I thought there was a very interesting article on the Wall Street Journal front page about 2 weeks ago, February 13, with the title "Federal Bid to Update Agencies' Computers Faces Many Obstacles."

We thought in this article the INS story was saying here is a success story, and we feel very good about that. I might submit it to the chairman.

Senator SIMPSON. Do you want that in the record?

Mr. NELSON. Yes. It might be good if we could, Mr. Chairman.

Senator SIMPSON. Without objection, so ordered.

[The following material was submitted for the record:]

[From the Wall Street Journal, Feb. 13, 1985]

UPHILL BATTLE—FEDERAL BID TO UPDATE AGENCIES' COMPUTERS FACES MANY OBSTACLES

ONCE A HIGH-TECH PIONEER, GOVERNMENT IS HINDERED BY BUREAUCRATIC DELAYS—STACKED MANILA FILE FOLDERS

(By Leon E. Wynter)

The U.S. Air Force computers that monitor Russia's nuclear forces were built in the late 1960s primarily for work involving banking, not bombs.

That isn't the computers' only problem. They lie protected deep inside a Colorado mountain, but they can be knocked cold by ordinary lightning strikes because, unlike many home computers, they aren't defended against power surges. In fact, says a congressional investigator, the computers can crash "while the Coke machines and coffee machines keep working."

Backup air-defense computers do exist. But critics are concerned that throughout the federal government, once the undisputed leader in data processing, agencies are still using many of the same computer systems the government pioneered 10 to 15 years ago. "Despite tremendous advances, many government agencies are still in the dark ages in the uses of this technology," says Rep. Jack Brooks, the Texas Democrat who is the chairman of the House Government Operations Committee.

Meeting resistance

The government is spending billions of dollars to try to modernize its computers, but its efforts are often hampered by stifling procurement policies and bureaucratic foot-dragging. "Many government offices seem unwilling or unprepared to take advantage of the opportunities provided by the new technology," Rep. Brooks contends.

As a result:

—The Air Force, told congressional watchdogs in 1978 to install a fail-safe power supply for its computers, won't have this protection for its missile detection system until late this year.

—The Treasury loses interest on millions of dollars because there isn't any integrated system to track the government's idle cash. "If we ever had a balanced budget, it would be a miracle if you could tell when that moment came," says Robert Connely, an acting assistant Treasury secretary who is heading an effort to improve the federal cash-management system.

—The early-1960s computer that serves the Maritime Administration is so creaky, according to the 1982 Grace Commission report on waste, that "additional software fixes cannot be implemented for fear of causing total system failure." Unlike most computers built since 1970, it has a core memory composed of "iron doughnuts" instead of tiny silicon chips. The memory alone fills a room 10 times as big as the space required to house a more powerful modern computer.

Delay for repairs

"It may be the only one left in the country," says Jon Seymour, a deputy assistant Transportation Department secretary. Recently, he says, when a part went bad it couldn't be replaced anywhere on the East Coast. All Maritime Administration processing was shut down for three days until the part could be flown in from Phoenix.

To try to improve government computing, federal spending on major nondefense computers, related equipment and services is pegged at $3.2 billion for 1985, up 23% from the year before. Some agencies, like the Internal Revenue Service, are upgrading their systems. Even the Social Security Administration, rocked by computer procurement scandals and notorious for mailing checks to the dead, has cut backlogs and improved communications under an ambitious half-billion-dollar, five-year computer plan.

But progress is slow. At the Environmental Protection Agency, a computer system designed to keep track of thousands of legal cases and enforcement actions gathered dust for its first few years because nobody knew how to use it, says Richard May, the EPA's senior enforcement counsel. Mr. May has taken personal charge of the system.

Backlog mounts

The tradition-bound Supreme Court insisted on a $2.2 million computer and word processing system in 1978 as a solution to its burgeoning caseload. Justices Byron

White and Potter Stewart, since retired, began entering opinions and memorandums into terminals in their offices, and now much of the paper work between justices moves faster. But the backlog in the production of bound paperback volumes of court opinions, one of the system's main tasks, has grown to 18 months from one year since the system was installed.

Often, it takes a crisis to provide the momentum for change. At the Immigration and Naturalization Service, the crisis came in 1979. After anti-Shah Iranian students clashed with police in the streets of Washington, then Attorney General Griffin Bell wanted to know how many Iranian students were in the U.S. The INS, which is the part of the Justice Department responsible for tracking aliens, was embarrassed to say it didn't know. Its information management still depended more on paper work than computer chips.

Even today, the main information unit at the agency is an 8½-by-11-inch manila file folder. There are 20 million paper files, half in archives and the rest in field offices. The 2.5 million active files in the New York City office are still stacked so high on bookshelves and floors that workers can't reach most of them.

But change is finally starting to show up. A.D. Moyer, the INS's Chicago regional director, says that when his agents raid a factory, restaurant or hotel for illegal-alien workers, many of the workers claim to have papers on file allowing them to be in the U.S. Some of them are lying, he says, but until recently the field agent had no way to locate a file quickly enough to detain them.

To make an inquiry of the master computer in Washington, INS officials used to have to mail a request to operators of the Justice Department computer center. Responses took as long as a week. And even if a name and a number could be located in the computer, the file on the case was very possibly lost within a local INS office.

Under new computerized systems, Mr. Moyer can manage and track the paper work on 700,000 active files, plus thousands of new citizenship applications. His agents can get status information on an alien in the Chicago region almost instantly through a new, on-line system.

A major push for the new system came in 1982 when John W. Murray took over as manager of the agency's computer operations after his predecessor had retired in frustration. Mr. Murray, an associate INS commissioner, started by awarding a $35 million, five-year software contract to bring on new computer systems. He also told managers they were no longer just planning a new computer system but would have to take an active part in improving current operations, effective immediately.

"I came on Feb. 14, 1983, and some people called it the St. Valentine's day massacre—I didn't smile much," says Mr. Murray. He did issue beepers to the 18 data processing managers who ran the department's existing computer system so they could be alerted to immediate computer needs. He wears one, too, a special gadget with a vibrator that silently alerts the wearer. File clerks in the Washington INS office, whose performance is critical to making the system work, got smocks to wear "to let them know that they are part of the action," Mr. Murray says.

In 1983 Congress gave the INS a large grant to establish an automated national records center in Washington that would eventually eliminate paper files. "But we thought it would be good to account first for where our files are right now, because we didn't know," Mr. Murray says. At INS offices around the country, strips of paper bearing bar codes are being fitted to the ancient files.

At least one goal has already been achieved: An operator can punch a few buttons and have the computer spit out the names and addresses of the 11,976 Iranian students in the U.S.

But the names come up on terminals that are obsolete. A lawsuit by a losing bidder has held up delivery of badly needed computer hardware for almost eight months. A federal judge recently lifted an injunction on the deal after the INS agreed to give the loser a piece of the $64 million deal. Litigation is common in connection with federal computer procurement because the elaborate and openly published rules always leave an opening to question the government decision, says William G. Moore Jr., the president of Dallas-based Recognition Equipment Inc.

Mr. Moore says his own company had a bad experience with government high-tech procurement practices. The Postal Service, a quasi-governmental agency, paid Recognition Equipment $60 million to $70 million over 10 years to develop a machine that can read printed addresses and then spray the correct new nine-digit ZIP code on the envelope in bar-code form.

The machine was fully developed and field tested in 1983, Mr. Moore says. But last spring, the Post Office decided to buy a cheaper, less sophisticated machine that doesn't add a nine-digit ZIP code if one is missing. The Postal Service argues that the nine-digit code will soon be popular with high-volume mailers, so the more elaborate machine isn't needed. A report by the White House Office of Technology

Assessment disagreed and supports Mr. Moore's machine. But, he says, "we just decided we would get out of the postal business altogether."

The openness of federal computer purchasing, intended to ensure efficiency through competition, also leads to equipment purchases from industry also-rans, some officials say. "I'm sure there are quite a number of companies that only the government competitive processes have kept alive," says Fred Osgood, a computer-management official at the Federal Aviation Administration.

The banking computers used by the North American Aerospace Defense Command, or NORAD, were purchased by the Air Force in an attempt to standardize all its equipment. The purchase was strenuously opposed by Gen. C. J. McKee, NORAD's commander at the time. In 1970 he told the Air Force that the equipment "would not provide a computer system capable of performing the NORAD mission."

The Air Force has spent millions of dollars to upgrade the aged hardware's capability. But more improvement in computer speed is needed, says a congressional official.

"It has to be done before the missiles land," he says. "That's a basic requirement."

Senator SIMPSON. All right. What would be the effect on the fiscal year 1986 budget if the 1985 supplemental or the 5 percent pay reduction were not approved by the Congress?

1985 SUPPLEMENTAL AND 5 PERCENT PAY REDUCTION

Mr. NELSON. Again, on the 1986 pay reduction, that is an administration-wide proposal and we think it makes a lot of sense as a matter of policy and philosophy, and we certainly fully join and support that. I will not comment beyond that.

On the 1985 pay increase, I would hope that, generally speaking, that that not be deleted. That could have some serious impacts, but we think we are on the proper course in both of our budget recommendations.

Senator SIMPSON. Let me ask a question with regard to procedures and with regard to the Khmer refugees. That is an issue which is straining relationships, sometimes straining our ability to comprehend the situation as we deal with the Cambodian issue and our friends in Thailand, who have been more than generous for many years.

I think it is a situation that deserves the attention of the subcommittee. It is my intent to personally go there—without entourage—and see what I can determine from that. Perhaps others will join me, and that remains to be seen.

But under the current situation with the great interest in the processing of Khmer applicants for refugee status, could you please review once again for this record the procedures which you use for screening these applicants?

PROCESSING KHMER REFUGEES

Mr. NELSON. Yes, Mr. Chairman, and I would also like to introduce, behind me, Jean Lujan, who is the acting director of the Office of Refugee Asylum and Parole, who has been involved deeply, and she can add anything.

I will reflect back a few years ago because I know this has been an issue that we have discussed in this subcommittee and elsewhere. I think the work done by INS, particularly, but also with the State and the voluntary agencies, has been very good.

Overall, the system probably always worked relatively well, but there were differences. What would often happen is that certain

groups would go out to Southeast Asia and make a lot of noise about certain procedures; in some cases, rightly, and in some cases just because their own position was that something different ought to be done.

Our approval rate has always been quite high in the whole area and, in Thailand, the processing of Vietnamese as well as Cambodians, and that continues. So I think the system is good, but there were some problems in coordination and cooperation between State, INS and voluntary agencies.

I like to feel I had a certain part in that when I traveled with Attorney General Smith there several years ago and other contacts. We greatly improved that. We made some staff changes, developed the guidelines that you are very familiar with, and worked with yourself, Senator Hatfield and many others.

I think we got a lot of cooperation going and I think the system is generally working well. I think even those that might have been critics in the past will generally acknowledge that, even in many cases publicly.

Just as a little background and figures, the United States has received over 117,000 Cambodians, and another 11,000 are already approved and will depart. So we certainly have done a lot in that area as to the Cambodians themselves.

Now, the issue, of course, relates largely as to those who are denied on the basis of some affiliation with the Pol Pot regime and all the atrocities of that regime. We are down to the bottom of the barrel, if you will. I do not mean that in a negative sense, but in terms of the processing of cases.

We have actually approved close to 80 to 90 percent, so you cannot really argue that we are not approving them. You can always argue on some existing cases; that is easy to do. The burden of proof remains on the individual. They must have a credible account of their story, and in some cases if they do not, they are denied, and we think properly so.

But we do think the procedure—and, again, with credit to everybody involved—has been effective. I know Mr. Tinker also has been over there, and I think Mr. Day and others. We are very pleased.

I just met with Senator Glenn a few weeks ago. His daughter had been part of this recent group that had gone over there with Mrs. Dukakis and others. We think, again, we have responded to some of the questions and concerns raised there and, of course, are pleased to continue the dialogue with you and the committee and anybody else.

Senator SIMPSON. So you feel the procedure has been effective?

Mr. NELSON. Yes, sir.

Senator SIMPSON. Why, then, in your mind, is there this perception that somehow this country has failed to respond generously on these case-by-case types of situations?

Mr. NELSON. Well, it is hard to understand why there is that perception when you can say again, on a statistical basis, we have taken always 75, 80 or a higher percent. Therefore, you are hardly screening out that many.

I think there were some concerns earlier and, again, some interest groups obviously are pushing for their cause. And in this case,

many of those would like to see the United States take more in terms of numbers and take more cases of all kinds.

It is always easy for any group to go over there, if they want to, to try to find the horror story or the individual case that looks like something wrong was done. But I think the record itself in broad terms, as well as the specifics, with some improvements made—you can always improve procedures.

This is a difficult area; it is a subjective area in the interview. But there are the INS people, the voluntary agency people, as well as in some cases U.N. people, that are providing input. The INS people have the decision and do make it, but they get a lot of information.

There are procedures for re-review of cases when there is some question raised as to the proper procedure. I think our due process type procedures are really in place there, so I do not think anybody can really argue about the overall thing. Perception, again, is sometimes a difficult thing to deal with.

Senator SIMPSON. And in this current activity of various groups and individuals coming to the area, does that impede on the ability of the INS and other Federal resources to do their work?

Mr. NELSON. Are you talking about the refugees that come into the United States?

Senator SIMPSON. No, groups and individuals visiting from the United States and from Washington, DC, in great enclaves. Does that impinge upon your ability to do the work?

Mr. NELSON. Oh, I would not say so. I think it is important that we be open and accessible and welcome visitors and welcome review and criticism. I think that is fine. So, no, I would not say that it impedes our work. In fact, we think it is healthy. All we could ask is objectivity.

Senator SIMPSON. How many refugee cases are re-reviewed in this part of the world?

Mr. NELSON. I do not know. Maybe Jean can answer more specifically. I described the process. Again, before the decision is made, there is usually a great deal of input, so that is done.

Then on the re-review, I know John Schroeder was here, our district director for Asia, a few weeks ago. Like any appellate-type review in court, there has to be some evidence of new evidence or of error made. They do not just re-review every case that is there.

But any indication that any of these various sources I mentioned—State, JVA, our own people, United Nations that says there might be a problem with this case—they will be reviewed.

Jean, do you know the details?

Ms. Lujan. There has always been an informal procedure in the camp for review of any kind of case. There may be an inquiry, conditional, in the State. And the officers in the camp, the JVA, and the State Department and INS have met routinely to discuss any cases where there were problems. That has been somewhat more formalized now; they have a scheduled meeting.

I would estimate, in talking with Dennis Grace, who is head of JVA, we were talking about perhaps something around 150 cases, but we really do not know quite yet until we are finished. But it is a process that as they go along, if questions arise where we think we may have made a mistake and we might have missed some-

thing, they will take a look there, and among the U.S. Government officials at the camp will decide which cases, in fact, deserve a second look.

Senator SIMPSON. All right. Well, that is an issue I am going to get personally involved in. I do think it is very important that we have the review and the comments of various individuals and groups and organizations who go there.

But I do think that it is very important also to assure that the procedures are moving forward. Because of their observation of the system, many improvements have been made.

Mr. NELSON. Sure.

Senator SIMPSON. We know that, and they are good improvements. The problem is when we switch from improvements to favoring constituencies of various groups or simply to those who are seeking larger numbers in order to continue their own bureaucracy. I have said this many times; the bureaucracy of every group is just as big as the bureaucracy of the United States.

I see that burgeoning along a little. We certainly should have a review of it and perhaps hopefully, with the concurrence of all, a little bit of objectivity may be inserted into the questions of where we are, where we were, where we are going, who is it we are trying to resettle and what is our obligation. We will get back to that; we will revisit that area.

Mr. NELSON. Yes, sir. I agree with you fully that it is the kind of issue that ought to be looked at and scrutinized very closely from all aspects, and I think that is being done. Overall, I think the process has worked very well.

Senator SIMPSON. Let me ask you a couple of more questions, and that is, one, with regard to BORTAC, which is the Border Patrol Tactical Team. That has caused some concern with various groups.

Could you explain, please, the function of the Border Patrol Tactical Team and the extent to which it has been used so far?

BORDER PATROL TACTICAL TEAM

Mr. NELSON. I am happy to do so, and I know that there have been concerns; really, relatively few, but a few. I notice a representative of MALDEF is here, and we have met with them several months ago and explained what BORTAC was and was not.

I think it is actually the type of training, and so forth, that is reflected in BORTAC that is nothing new. What we are talking about is getting a group of people, all volunteers, to be able on a reaction basis, to respond to riots, crowd control problems that do occur and we must be ready for—in the past, we did have not had that kind of training to any degree.

Now, these people are all over the country. We have trained 45 to date. I think our expectation is maybe to go as high as 100. It is not a huge unit. They continue their regular duties at their regular work stations. They are on the basis of being called on a quick basis to respond if and when an emergency develops.

As I said earlier, they were on call during the recent Piedras Negras disturbance, should that have really gotten out of hand. That was potentially dangerous and I think that was the kind of place these people could have been used.

They also were placed on standby during the Olympics, in the event that some terrorist-type activity could have developed and you needed the assistance. Again, thank goodness, they were not needed. In fact, they have never been activated other than for the training.

Of course, we would hope that they would not be, but they are there, available and able to address exigent circumstances; things like the Cuban crisis in 1980. There has not been much, detention facility unrest, and it is just good law enforcement practice.

They are not there for any special, ongoing responsibilities, and will not be for that purpose.

Senator SIMPSON. You mentioned your enthusiasm for the Systematic Alien Verification for Entitlements Program, SAVE, because of its ability to curtail fraud in that area. How many States will be using it by fiscal year 1986, do you think? What does it cost the INS?

As you indicated this morning, my own State has indicated an interest in coming aboard. What is its future?

SAVE PROGRAM

Mr. NELSON. Mr. Chairman, as I mentioned earlier, we think this is an outstanding program because, you know, first of all, it makes sense. It carries out the Federal law, the State law; it is fair. It actually speeds up benefits for those legally entitled. It cuts off those who are not legally entitled. It meets all the mandates.

It was interesting that the ACLU a number of months ago in a Washington Post comment said, yes, the system is reasonable. I was in Illinois a number of months ago when Governor Thompson formally announced it. A representative of MALDEF was present there, and also agreed the program made sense.

So we think there is really no argument about it and it needs to be implemented throughout the country. Again, this is not an INS program. It really is solid State, local and Federal Government efforts to be sure those that are entitled get benefits and those who are not do not.

It obviously has an immigration benefit to us, and that is why we are marketing it because it does deter illegal aliens from staying and using our system improperly. Now, as I say, we have the three States, California, Colorado, and Illinois, who are functioning and doing very well with the savings I have reflected.

We have talked with many other States. We are hopeful of getting a number on quickly. I have had extensive conversations with Governor Graham of Florida; he expects a lot of interest. I am putting a little heat on their bureaucracy to try to move forward.

We are meeting with Governor White in Texas in about 2 weeks. Our different people have met with Governor Keane in New Jersey. We have talked with representatives of Governor Cuomo in New York. I and others have been at many conferences, including one in Denver where representatives from Wyoming and other Rocky Mountain and Midwestern States were there.

Again, getting them signed up is, like any other marketing thing, the key, but we would hope that we could very well get another 8,

10 States on the program in the next year, and are optimistic of doing it.

Senator SIMPSON. What is the cost of that?

Mr. NELSON. The cost is—and this is, again, one of the interesting things because we have our computer system, as described, set up; that is there. The cost is minimal to tie in, and for a State to sign up and actually hook in, they get their own computer and hook it up and a few things like that, and then, of course, use their own staff.

We are talking about a $20,000 cost to a State and it is up to them, of course, to reimburse us to get onto this program. So it is a minimal cost. Now, we are, of course, spending a certain amount of manpower now in some of this screening, but once we can get it on the computer, that will actually cut down our participation.

So if the system really works well, as the States get on the computer, the amount of INS time is really going to be fairly minimal.

Senator SIMPSON. Your testimony, too, indicates that the NIIS, which is the Non-Immigrant Information System, has 36 million on-line records. Are all new nonimmigrants entered into that system, and how far back does that information go?

NONIMMIGRANT INFORMATION SYSTEM

Mr. NELSON. Correct, we have a substantial number on there and, again, a lot of hard work getting them on. Maybe others can elaborate on that, but I think now we are relatively current in getting all the new entries on that and having the system work effectively.

There is still some timing in getting that done, but we expect updating the documentation, improving the on-line search capabilities, and having some additional training. I guess now it is a 13-day processing time, and that can be reduced further.

Mr. ARNOLD. Mr. Chairman, in answer to the other part of your question, as I recall, the records go back 2 years. We started the input 1½ years ago and there were some records that were put into the system that had been previously collected, but we did not go back several years. It goes back 2 years.

Senator SIMPSON. There I am at my final question, drawing upon the fine resources of your staff at the table with you there, Commissioner. If any one of them would add anything to the inquiry or to the answers, I would appreciate having that from Mr. Ferguson, Mr. Perrelli or Mr. Arnold. Nothing will happen to you. [Laughter.]

Mr. ARNOLD. We owe you some data that the Commissioner indicated we would submit for the record. We certainly will do that.

Senator SIMPSON. Yes, and I indeed will have some further questions. It is a fine group and I have learned to draw upon your energies in the past, all of you. I appreciate that, and I think that, as we would say in the trade, you were well briefed by your fine staff.

Mr. NELSON. Again, due to the fine efforts of the staff and the sense not to contradict me.

Senator SIMPSON. Well, they may later.

Anyway, I appreciate that, and I do appreciate the ability of the subcommittee to work with the staff of the INS. That has been

very helpful, and I think I speak for the ranking minority member that our inquiries are responded to and we appreciate that.

I think you have tried to be very open and direct, especially when people are pursuing you, looking for some hidden agenda or something of that nature. I have seen you present yourself before those groups. I admire that. That is the best way to handle things in this curious village, but many do not have the stomach for it and you seem to like it. [Laughter.]

Mr. NELSON. We have just recently put up pictures of all the Commissioners on the wall in our conference room. We had a group coming in and someone said, why are you the only one that is smiling. I said that is probably because I did not know any better.

Senator SIMPSON. Well, Congressman Mazzoli and I have learned that trick of going into the fray where they are hunting us with gusto, and it does throw off your opposition somewhat. And it is very important because it gives them a chance to fire away, and I admire that with you.

I think Senator Kennedy will have some questions, and Senator Grassley. We have a new make-up of the subcommittee; Senator Denton is a member of the subcommittee, and Senator Paul Simon. So I am looking forward to working with them in what certainly remains a nonpartisan, critical issue to this country, and that is immigration reform, with the emphasis on what we are trying to do with illegal immigration and not with legal immigration.

So I thank you. I appreciate your being here. I appreciate the fine staff assistance. Thank you very much.

That concludes the hearing.

[Whereupon, at 11:10 p.m., the subcommittee was adjourned.]

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